

#5 1744\$  
#5

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael F. Roberts et al.      Art Unit : 1744  
Serial No. : 10/036,022      Examiner : Tentoni  
Filed : December 26, 2001  
Title : GUM-MASSAGING ORAL BRUSH

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
NOV-6 2002  
TC 1100 MAIL ROOMPETITION TO MAKE SPECIAL

Applicant hereby petitions for the above referenced application to be made special under the provisions of 37 CFR 1.102(d). The reason for this petition is actual infringement (see MPEP 708.02(II).)

In support of this petition, Applicants' representative, the undersigned, states that:

- (1) There are two infringing products actually on the market. These products are manufactured by Johnson & Johnson and Unilever.
- (2) A rigid comparison has been made of these devices with the claims of the application, and, in my opinion, at least some of the claims are unquestionably infringed.
- (3) I have caused to be made a thorough search of the prior art. I have also reviewed the prior art cited in the parent applications and the foreign counterparts thereof.

As required by MPEP 708.02(II) submitted herewith are one (1) copy each of the references deemed most closely related to the subject matter encompassed by the claims, except those already of record.



27199

PATENT TRADEMARK OFFICE

11/05/2002 HVUONG1 00000032 071350 10036022

01 FC:1460 130.00 CH

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 30, 2002  
Date of Deposit

*Alma Woodberry*  
Signature

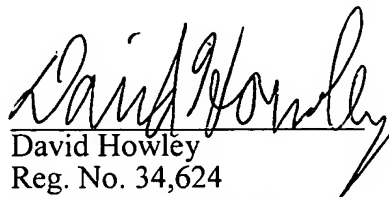
Alma Woodberry  
Typed or Printed Name of Person Signing Certificate

Applicant : Michael F. Roberts et al.  
Serial No. : 10/036,022  
Filed : December 26, 2001  
Page : 2

Attorney's Document No.: 00216-368004 / OB-84D

The Commissioner is hereby authorized to charge the \$130 petition fee required by 37 CFR 1.17(h) and any additional fees, including extension fees, required by this communication or to credit any overpayment to Deposit Account No. 07-1350. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

  
David Howley  
Reg. No. 34,624  
Attorney for Applicant  
(617) 421-7093

Patent Department  
The Gillette Company  
Prudential Tower Building  
Boston, MA 02199